



## Region 7

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## Fact Sheet

May 2013

### Public Comment Period for RCRA Administrative Order Announced Rotary Drilling Supply, Inc., Crystal City, Jefferson County, Missouri

#### INTRODUCTION

Rotary Drilling Supply, Inc. has agreed to enter into an Administrative Order on Consent (AOC) to abate environmental impacts caused by the unauthorized disposal of coal ash in wetlands and streams on property owned by Rotary Drilling Supply, Inc. The agreement is being issued under Section 7003 of the Resource Conservation and Recovery Act (RCRA), which states that EPA will provide an opportunity for public comment and a public meeting on settlements under Section 7003(d) of RCRA.

EPA is seeking comments on the AOC, which finds that the unauthorized placement of coal ash on the Rotary Drilling Supply, Inc. property (Site) presents an "imminent and substantial endangerment" to the environment pursuant to Section 7003 of RCRA. Specifically, EPA alleges that the placement of the coal ash impacted wetlands and an unnamed tributary to Platin Creek, as well as a portion of Willers Lake.

The public is encouraged to review an Administrative Record supporting the cleanup activities necessary at the Site. The Administrative Record is located at the Crystal City Public Library, 736 Mississippi Ave., Crystal City, MO 63019.

EPA invites the public to comment on the AOC. The 30-day public comment period opens on **May 30, and runs through June 28, 2013.**

A formal public meeting has not been scheduled but will be held if there is sufficient public interest. Requests for a public meeting must be made before the end of the comment period, in writing, to the EPA contact listed on Page 2 and must state the nature of issues to be raised at the meeting. EPA will evaluate any request and hold a formal meeting if it finds that a meeting will contribute to the decision-making process by clarifying significant issues affecting the AOC. EPA will make the AOC final only after the public comment period ends and all comments are reviewed. EPA may modify the AOC based on any

new information and comments from the public on the compliance activities portion. Comments on the AOC or request for a public meeting must be submitted in writing by **June 28, 2013.**

#### BACKGROUND INFORMATION

Beginning sometime in the 1990s, Rotary Drilling Supply, Inc., contracted with Kleinschmidt Trucking, Inc. to place fill material in wetlands adjacent to Platin Creek on the Rotary Drilling Supply, Inc. site for the purpose of developing a 13-acre commercial lot. Between October 2004 and September 2008, Rotary Drilling Supply, Inc. and another company, Mineral Resource Technologies, Inc., contracted with Kleinschmidt Trucking, Inc. to haul and dispose of coal ash obtained from the Rush Island Power Plant, owned and operated by the Union Electric Company d/b/a Ameren Missouri. During that time period, Mineral Resource Technologies, Inc. contracted with Union Electric Company, d/b/a Ameren Missouri, to find and secure locations in which to dispose coal ash. Between 2004 and 2008, approximately 95,000 tons of coal ash was placed on the site.

In 2007, Union Electric Company, d/b/a Ameren Missouri, contracted directly with Kleinschmidt Trucking, Inc. to haul and dispose of approximately 45,000 tons of coal ash from the Rush Island Power Plant at the Site.

Disposal of the various waste materials, including the coal ash, was documented by U.S. Army Corps of Engineers personnel in January 2010, and by the U.S. Army Corps of Engineers and EPA personnel in April 2010.

On February 14 and 15, 2011, EPA-authorized representatives conducted sampling of the unnamed tributary to Platin Creek and the coal ash piles at the Site. Sample results indicated that elevated levels of coal ash constituents have migrated, and continue to

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migrate, from the coal ash piles into the unnamed tributary to Platin Creek and adjacent wetlands on the Site. EPA also performed an ecological risk assessment in March 2012, which includes EPA's determination that the coal ash constituents have caused irreparable harm to the wetlands on the Site and continue to damage the wetlands and surface waters on and adjacent to the site.

On April 18, 2012, the Missouri Department of Natural Resources issued Notices of Violation to Rotary Drilling Supply, Inc., Kleinschmidt Trucking, Inc., Mineral Resource Technologies, Inc. and the Union Electric Company d/b/a Ameren Missouri for violations of Missouri's solid waste beneficial use regulations. The notices alleged that the coal ash was placed on the Site in a manner that was not beneficial and potentially harmful to surface waters.

The RCRA settlement requires Rotary Drilling Supply, Inc. to abate impacts of the coal ash disposal by placing a protective cap over the coal ash piles and installing controls on Site to prevent the continued migration of coal ash constituents into wetlands and other surface waters. Additionally, Rotary Drilling Supply, Inc. is required to mitigate for lost wetlands functions through the purchase of wetland mitigation bank credits.

## ADMINISTRATIVE RECORD

EPA has established an Administrative Record which includes a copy of the AOC and other relevant documents. The Administrative Record is available for review during normal business hours at the following locations:

Crystal City Public Library  
736 Mississippi Ave.  
Crystal City, MO 63019  
Phone: (636) 937-7166

U.S. EPA Region 7  
Records Center  
11201 Renner Blvd.  
Lenexa, Kansas 66219  
Phone: (913) 551-7166

EPA invites the public to comment on the AOC during the 30-day public comment period which runs from **May 30** through **June 28, 2013**.

**Written** comments, postmarked no later than **June 28, 2013**, should be mailed or emailed to **Beckie Himes** at the address that follows. EPA will consider all comments submitted during the public comment period and determine whether it is appropriate for EPA to finalize the AOC.

## ADDITIONAL INFORMATION

If you have questions or need additional information, please contact:

### **Nicole Moran**

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### **Beckie Himes**

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